

Exhibit 16

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII
3)
4 WAYNE BERRY, a Hawaii citizen,) CV 03-00385 SOM-LEK
5 Plaintiff,)
6 vs.) Honolulu, Hawaii
7 et al.,) September 28, 2004
8 Defendants.) 9:00 A.M.
9) Continued Hearing on
) Plaintiff's Motion for
) Issuance of Preliminary
) Injunction
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10 TRANSCRIPT OF PROCEEDINGS
11 BEFORE THE HONORABLE SUSAN OKI MOLLWAY
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiff: TIMOTHY J. HOGAN, ESQ.
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15 For the Defendant ERIC C. LIEBEKER, ESQ.
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16 For the Defendants LEX R. SMITH, ESQ.
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C&S Acquisitions,
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17 For the Defendants LYLE S. HOSODA, ESQ.
Mark Dillon, Brian
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1 "Mr. Berry has a grudge against Fleming, which he himself
2 told me in so many words while I was still with API." You
3 see that?

4 A Yes, I do.

5 Q Does that properly reflect a conversation you had
6 with Mr. Berry at some point in the past?

7 A Yes, it does.

8 Q If you were ordered, Mr. Dillon, to stop using
9 spreadsheets, what impact would that have on the
10 operations out at Kapolei?

11 A I don't see how we could work. It wouldn't be
12 possible from what I -- we have to have something to
13 handle that volume of data. I just don't know what else
14 we could use.

15 Q Is it fair to say, sir, if you're ordered to stop
16 using the spreadsheets, that running the logistics
17 operation out at Kapolei would become much more difficult?

18 A Much more --

19 Q Difficult. Difficult, sir.

20 A I'd say impossible. But, yeah, I can't conceive of
21 it. I don't know how we would carry on.

22 MR. LIEBELER: No further questions, Your
23 Honor.

24 THE COURT: Okay. Recross.

25 MR. HOGAN: Briefly, Your Honor.

COURT REPORTER'S CERTIFICATE

2 I, Debra Kekuna Chun, Official Court Reporter,
3 United States District Court, District of Hawaii, do
4 hereby certify that the foregoing is a correct transcript
5 from the record of proceedings in the above-entitled
6 matter.

DATED at Honolulu, Hawaii, October 27, 2004.

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Frank Derry

10 DEBRA KEKUNA CHUN

11 RPR, CRR

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